

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Rec'd PCT/FTO 06 JAN 2005

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| Applicant's or agent's file reference LU6035/Doe | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/EP 03/07353 | International filing date (day/month/year) 09.07.2003 | Priority date (day/month/year) 12.07.2002 |
| International Patent Classification (IPC) or both national classification and IPC B29C69/00 | | |
| Applicant BASELL POLYOLEFINE GMBH et al. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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|---|---|
| Date of submission of the demand 02.12.2003 | Date of completion of this report 12.10.2004 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Lanaspeze, J Telephone No. +49 89 2399-7735  |

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/07353**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-29 as originally filed

Claims, Numbers

1-21 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-------------------|
| Novelty (N) | Yes: Claims | 8,14,16-19 |
| | No: Claims | 1-7,9-13,15,20,21 |
| Inventive step (IS) | Yes: Claims | 19 |
| | No: Claims | 1-18,20,21 |
| Industrial applicability (IA) | Yes: Claims | 1-21 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: DE-A-10010900

D2: US-A-2001/015513

2. Claim 1

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and describes a process for producing hollow plastic articles, encompassing the following steps:

- a) producing a tubular plastic parison (3) by means of extrusion;
- b) cutting open the plastic parison (3) to produce two planar-surface parts (5);
- c) molding the planar-surface parts (5) in the two mold halves (7,8) to give half shells (9,10), where a removable intermediate frame (11) separates the mold halves (7,8) from one another at least along the peripheral edges (see figure 1) , so that the semi-finished half shells (9,10) are not in contact with one another;
- d) opening the mold halves (7,8) and removing the intermediate frame (11);
- e) closing the mold halves (7,8), with the result that the half shells (9,10) come into contact with one another along a peripheral rim (12); and
- f) bonding the half shells (9,10) to give a hollow article.

The subject-matter of claim 1 is therefore not novel (Article 33(2) PCT).

3. Claim 19

The subject-matter of claim 19 differs from the known method of D1 in that the cutting device uses driven floating rollers for consistent guiding of the parison over the cutting device.

The subject-matter of claim 19 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention underlying the distinguishing

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features of claim 19 may therefore be regarded as avoiding warping and creasing at the cut edges (see page 19, lines 1-34).

The document D2 (see figure and paragraph [0046]) discloses rollers (4) for guiding and keeping apart the two cut sheets. However, there is no mention or suggestion of a driving device and of a floating arrangement of the rollers. The other documents of the prior art do not suggest the solution of claim 19. Therefore, the solution to this problem proposed in claim 19 of the present application is considered as involving an inventive step (Article 33(3) PCT).

4. Claims 20 and 21

The method described in D1 is used for producing a fuel tank for vehicles (see description, from column 3, line 25 to column 4, line 26).

The subject-matters of claims 20 and 21 are therefore not novel (Article 33(2) PCT).

5. Claims 2-18

The features of claims 2-18 are disclosed or suggested by D1 or D2. Consequently, dependent claims 2-18 do not seem to meet the requirements of the PCT in respect of novelty and/or inventive step.